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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,994	10/15/2001	Augustin J. Farrugia	032326-098	9558

21839 7590 03/28/2006

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EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,994

Applicant(s)

FARRUGIA ET AL.

Examiner

Moustafa M. Meky

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-15 and 25-33 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The amendment filed 12/29/2005 has been entered and considered by the examiner.
2. Claims 1-33 are presenting for examination.
3. Claims 6-15 & 25-33 are allowed over the prior art of record.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 16-17, 19-22 & 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Sahihara (US Pat. No. 6,434,405).
6. As to claim 1, Sahihara shows in Figs 7-8, a smart card (4) for providing a user access to a smart card based Internet application 61 (Fig 8) in the absence of a conventional reader for a smart card (the card 4 is directly connected to the portable phone device 3 without the use of a conventional reader for the card 4), the smart card 4 having a memory 45 (Fig 7) with information stored therein that comprises:

- A first set of information that enables a telecommunications device (portable phone 3) for which the smart card 4 is designed to be used (the card 4 is attached to the portable phone device 3) to establish a connection with a telecommunication network (Internet), see col 7, lines 65-67, col 8, lines 7-15; and
- An applet that enables the portable phone device 3 to conduct an Internet session (through the dial up server 2) with the Internet application 61 once the connection is established (see col 7, lines 65-67, col 8, lines 7-15), and that functions as an interface to

the application 61, see col 8, lines 7-15 (notice the setting information stored in the memory 45 that includes the URL designated by the user for the web document resides on the server 6, see col 2, lines 29-32, col 7, lines 58-62, col 8, lines 3-5).

7. As to claim 2, the applet (represented by the URL of the web document) that is a client component of the application 61 (a request includes the URL asking for service to obtain the web document having the URL), see col 8, lines 9-11.

8. As to claim 3, the device 3 is a portable phone, see Fig 8.

9. As to claim 5, applet includes application for transmitting information to the application 61 through the dial up server 2 for use in conducting the session, see col 8, lines 7-15.

10. As to claims 20-22, 24, the claims are similar in scope to claims 1-3, 5, and they are rejected under the same rationale.

11. As to claims 16-17, 19, the claims are similar in scope to claims 1-5. In addition, the gateway is represented by the Dial-UP server 2 (see Fig 8) and it would establish a virtual link between the device 3 and the application 61 and translates the messages exchanged between the device 3 and the application 61, see col 8, lines 7-15.

Therefore, it can be seen from paragraphs 6-11 above that Sahihara anticipates claims 1-3, 5, 16-17, 19-22 & 24.

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4, 18, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahihara.

14. As to claim 4, Sahihara shows in Figs 7-8, a smart card (4) for providing a user access to a smart card based Internet application 61 as been discussed in paragraph 6 above. However, Sahihara was silent about the security issue in which the smart card authenticates a user to the network. It was well in the art that the smart card includes identification and/or personal information for the user such as password or a key to achieve security in the system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the smart card to include identification and/or personal information for the user in order to provide security for the user.

15. As claims 18 & 23, the claims are similar in scope to claim 4, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 14-15 that the modified system of Sahihara teaches the limitations of claims 4, 18, 23.

16. The applicant argues in his remarks that Sahihara does not teach the following:

- The card 4 does not contain any information to enable the device 3 to establish a connection with a network; and
- The card 4 authenticates a user to the network.

16.1. In response to the above arguments:

- Sahihara teaches that the smart card includes information to enable the device 3 to establish a connection with the network, see col 7, lines 65-67, col 8, lines 7-15; and
- The modified system of Sahihara teaches that the card 4 would authenticate the user to the network, see paragraph 14 above.

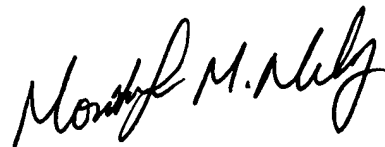
17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM
3/18/2006


MOUSTAFA M. MEKY
PATENT EXAMINER